



## **INTELLIGENCE BULLETIN**

### **Forced Marriages and Human Trafficking**

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**Migration Intelligence Section**

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#### **INTRODUCTION**

The purpose of this bulletin is to provide information on forced marriage, given its close links to human trafficking, and to present what is currently known in regard to this crime in Canada. Potential indicators and resource contacts are additionally provided in cases where an individual is identified as a victim of forced marriage on route to, or within, Canada. [UNCLASSIFIED]

#### **BACKGROUND**

Based on the United Nations (UN) *Universal Declaration of Human Rights*, forced marriage represents a fundamental violation of human rights.<sup>1</sup> Furthermore, it is a practice that can affect individuals of any gender, age, religion, nationality, ethnic or cultural background.<sup>2</sup> Similar to human trafficking, it involves the exchange of a person for profit, monetary gain or otherwise. An overlap can also occur, such as where an individual is trafficked to be sold as a bride, and is then forced to marry against their will.<sup>3</sup> Some women are also sold as wives to men who in turn

#### **DEFINITIONS**

**There is a clear distinction between a forced marriage, a marriage of convenience, and an arranged marriage. It is important that officers dealing with applications understand these differences.**

**A forced marriage** is a marriage that takes place without the consent of one or both individuals. In a forced marriage, individuals are coerced to wed through threats or acts of physical and/or emotional violence and psychological and/or emotional manipulation. Forced marriage can happen to anyone regardless of culture, religion, age or gender.

**A marriage of convenience** is a marriage that takes place for the sole purpose of immigration to another country, such as Canada.

**In arranged marriages**, both individuals are informed and consent of both parties is given.

<sup>1</sup> United Nations, "The Universal Declaration of Human Rights", <<http://www.un.org/en/documents/udhr/index.shtml#a16>>, (Accessed on: December 19, 2011)

<sup>2</sup> United Kingdom, The Crown Prosecution Service, "Honour Based Violence and Forced Marriage" <[http://www.cps.gov.uk/legal/h\\_to\\_k/honour\\_based\\_violence\\_and\\_forced\\_marriage/#a13](http://www.cps.gov.uk/legal/h_to_k/honour_based_violence_and_forced_marriage/#a13)>, (Accessed on: May 8, 2012)

<sup>3</sup> Department of Justice Canada, "Annotated Bibliography on Comparative and International Law relating to Forced Marriage", August 2007, <<http://www.justice.gc.ca/eng/pi/fcy-fea/lib-bib/rep-rap/2007/mar/chap7.html>>, (Accessed on: December 6, 2011)



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feel entitled to use them as their property, forcing them into commercial prostitution, forced labour, or using them as domestic slaves.<sup>4</sup> [UNCLASSIFIED]

## MOTIVES

Motives for forced marriage are numerous. They often involve the desire to control or prevent what is perceived as westernized practices in order to maintain family honour.<sup>5</sup> Forced marriages may also be used as a means to preserve or strengthen family alliances, culture, or to settle debts or disputes and is often enforced within a domestic setting. Parents, relatives, and communities may use physical and/or emotional violence such as threats, abduction, isolation, and physical violence to coerce individuals to enter into a forced marriage.<sup>6</sup> [UNCLASSIFIED]

## VICTIMS

Victims rarely come forward or seek help as they often fear retaliation from their family or community, social discrimination, and isolation. They may also distrust law enforcement authorities, fear deportation, have linguistic barriers, be unfamiliar with the area to which they are trafficked, or simply do not realize that being forced into marriage is an act of violence and a human rights abuse.<sup>7</sup> While both men and women experience force marriage, it is most commonly identified as being perpetrated against women and girls, who suffer different consequences than those of men. Women are often removed from school at an early age, which prevents them from obtaining a proper education and can lead to a life of financial dependence; they are also often subjected to emotional and physical violence, including rape and forced pregnancy.<sup>8</sup> Some women are controlled to the extent that they may not leave the home unless escorted.<sup>9</sup> Honour-based violence (HBV) is a serious risk to individuals who express disagreement towards, or refuse, an imposed marriage. [UNCLASSIFIED] Of note, the term HBV has gained increasing attention in Canada as a result of the coverage of the Shafia family trial in Kingston, Ontario.

## FACTORS INFLUENCING FORCED MARRIAGE

A factor believed to be encouraging the trafficking of women for forced marriage, particularly in certain Asian countries such as China, is gender imbalances, which is partly due to the discrimination of women. Female fetuses or newborns are more likely to be aborted or killed. In China, this practice has

<sup>4</sup> US Department of State, "Trafficking in Persons Report", June 2007, < <http://www.state.gov/documents/organization/82902.pdf>>, (Accessed on: December 7, 2011)

<sup>5</sup> United Kingdom, Forced Marriage Unit, "Handling Cases of Forced Marriage", 2009, <<http://www.fco.gov.uk/resources/en/pdf/3849543/forced-marriage-guidelines09.pdf>>, (Accessed on: May 30, 2012)

<sup>6</sup> Idem

<sup>7</sup> United Kingdom, Forced Marriage Unit, "Handling Cases of Forced Marriage", 2009, <<http://www.fco.gov.uk/resources/en/pdf/3849543/forced-marriage-guidelines09.pdf>>, (Accessed on: May 30, 2012)

<sup>8</sup> Department of Justice Canada, "Annotated Bibliography on Comparative and International Law relating to Forced Marriage", August 2007, < <http://www.justice.gc.ca/eng/pi/fcy-fea/lib-bib/rep-rap/2007/mar/chap7.html>>, (Accessed on: December 6, 2012)

<sup>9</sup> United Kingdom, The Crown Prosecution Service, "Honour Based Violence and Forced Marriage" <[http://www.cps.gov.uk/legal/h to k/honour based violence and forced marriage/#a13](http://www.cps.gov.uk/legal/h%20to%20k/honour%20based%20violence%20and%20forced%20marriage/#a13)>, (Accessed on: May 8, 2012)



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resulted in a population where the male to female ratio is an estimated 117:100.<sup>10</sup> Given a lack of women available for marriage, the trafficking of brides from other countries, such as Mongolia, North Korea, Russia, Burma, Laos, and Vietnam has become a profitable business.<sup>11</sup> According to the United States State Department, in some villages in South and East Asia, human trafficking accounts for 30 to 90 percent of marriages.<sup>12</sup> Gender gaps also affect some regions in India as a result of the traditional custom of dowry, which label girls as economic liabilities.<sup>13</sup> As a result, men in "bachelor villages"<sup>14</sup> who are ready to wed, have purchased or kidnapped women in other countries to bring back as brides. The lack of women also fuels human trafficking for the purposes of sexual exploitation through the prostitution of women and girls.<sup>15</sup> [UNCLASSIFIED]

In Taiwan, Japan, and Malaysia, advertisements for the sale of women and girls from East Asian countries have promoted organized tours in countries such as Vietnam, Cambodia, and Mongolia for the opportunity to select a bride in person. Internet-based marriage brokers and even trade shows are reportedly held for the sale of brides.<sup>16</sup> [UNCLASSIFIED]

### THE UNITED KINGDOM

The United Kingdom (UK) is recognized as a leader in the development of an approach to respond to HBV and forced marriage. The UK's Forced Marriage Unit (FMU), which was established in 2008, is a dedicated team working jointly with the Home Office (police and security) to provide guidelines for responding to cases of forced marriages. In 2009, more than 770 suspected cases were reported to the FMU, up from 152 in 2005.<sup>17</sup> In 2010, the FMU provided advice and support in 1,735 instances of potential forced marriage. Of the cases where age was known, the youngest victim was 12 years old and the eldest was 73 years old. Eighty-six percent of the victims were female and fourteen percent were male. The countries of origin were Pakistan (52%), Bangladesh (10.3%), India (8.6%), Africa (5%), Turkey (1.7%), Iran (1.3%), Iraq (1.2 %), Afghanistan (1%), and other known countries (9.3%).<sup>18</sup> In 2011, the FMU provided assistance in 1,468 possible cases of forced marriage. Of these, 78% were female and 22% were male.<sup>19</sup> [UNCLASSIFIED]

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<sup>10</sup> US Department of State, "Trafficking in Persons Report", June 2006, <<http://www.state.gov/g/tip/rls/tiprpt/2006/65983.htm>>, (Accessed on: December 7, 2011)

<sup>11</sup> US Department of State, "Trafficking in Persons Report", June 2011, <<http://www.state.gov/j/tip/rls/tiprpt/2011/index.htm>> (Accessed on: December 7, 2011)

<sup>12</sup> US Department of State, "Trafficking in Persons Report", June 2006, <<http://www.state.gov/g/tip/rls/tiprpt/2006/65983.htm>>, (Accessed on: December 7, 2011)

<sup>13</sup> Department of Justice Canada, "Annotated Bibliography on Comparative and International Law relating to Forced Marriage", August 2007, <<http://www.justice.gc.ca/eng/pi/fcy-fea/lib-bib/rep-rap/2007/mar/chap7.html>>, (Accessed on: December 6, 2011)

<sup>14</sup> Some villages are nicknamed "bachelor villages" for their populations of aging single men.

<sup>15</sup> US Department of State, "Trafficking in Persons Report", June 2006, <<http://www.state.gov/g/tip/rls/tiprpt/2006/65983.htm>>, (Accessed on: December 7, 2011)

<sup>16</sup> US Department of State, "Trafficking in Persons Report", June 2007, <<http://www.state.gov/documents/organization/82902.pdf>>, (Accessed on: December 7, 2011)

<sup>17</sup> Daily Mail UK, "Ten-fold rise in forced marriages in just four years", July 2009, <<http://www.dailymail.co.uk/news/article-1196955/Ten-fold-rise-forced-marriages-just-years.html>>, (Accessed on: May 2, 2012)

<sup>18</sup> BBC News, "Slough pilots forced marriage campaign", July 22, 2011, <<http://www.bbc.co.uk/news/uk-england-berkshire-14248391>>, (Accessed on: May 2, 2012)

<sup>19</sup> Foreign and Commonwealth Office, "Forced Marriage", <[www.fco.gov.uk/en/travel-and-living-abroad/when-things-go-wrong/forced-marriage](http://www.fco.gov.uk/en/travel-and-living-abroad/when-things-go-wrong/forced-marriage)>, (Accessed on: April 24, 2012)



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## CANADIAN CONTEXT

As a party to UN treaties that recognize forced marriage as an abuse of human rights, Canada has an international obligation to address the issue of forced marriage by ensuring that marriages within Canada involve the free and informed consent of both parties. Although there is no legislation in Canada that specifically addresses forced marriage, many associated criminal acts such as violence, threats of violence, intimidation, forcible confinement, and kidnapping are punishable under the *Criminal Code* of Canada. Furthermore, a marriage can be legally annulled under Canadian family law if it has taken place without the consent of both individuals, regardless of whether it took place abroad or in Canada, and regardless of whether the individuals subjected to the marriage are Canadian citizens or not.<sup>20 21</sup> [UNCLASSIFIED]

Although forced marriages are known to exist in Canadian society, the extent of the problem is largely unknown due to lack of data. The only evidence of forced marriage other than what is being reported in the media is through court cases dealing with nullification of marriage or refugee asylum cases. There are also statistics, testimonies, and other information available through non-governmental organizations. Many factors discourage reporting by victims, including strong emotional ties to their perpetrators. Despite underreporting, evidence that this crime is affecting Canadians continues to surface in the media, and according to the Department of Foreign Affairs and International Trade (DFAIT), Canadians have been forced into marriages abroad in various countries including Afghanistan, Algeria, Bangladesh, Egypt, Ethiopia, India, Libya, Morocco, Pakistan, Somalia, and Sudan.<sup>22</sup> Of note, HBV and forced marriage can affect second or third generation members of a community. Individuals in question are, therefore, Canadian with respect to their status, their self-perception, and their values. According to DFAIT, an increasing number of Canadian citizens are becoming victims of marriage-related crimes overseas. In many countries, a husband can legally impose travel restrictions on his spouse and children to prevent them from returning to Canada.<sup>23</sup> [UNCLASSIFIED]

The Forced Marriage Project, an initiative of the South Asian Legal Clinic of Ontario, has also revealed that every year dozens of Canadian girls, and sometimes boys, are forced into marriages; the majority of which involve families of South Asian origin, but also include Middle Eastern and African countries. Canadians have also reportedly been taken abroad and subjected to honour killings, and some members of extended families have come to Canada to kidnap or kill a Canadian family member believed to have shamed the family.<sup>24 25</sup> [UNCLASSIFIED]

<sup>20</sup> South Asian Legal Clinic Ontario, OCASI Professional Development Conference 2007, "Forced Marriages/ Non Consensual Marriages", June 2007.

<sup>21</sup> Alliance of Multicultural Agencies Against Forced Marriage in Canada, "Frequently Asked Questions", <<http://amfmcandada.ca/faq/>> (Accessed on: April 24, 2012)

<sup>22</sup> Department of Foreign Affairs and International Trade, February 2010, <[http://www.voyage.gc.ca/faq/marriage-abroad\\_mariages-etranger-eng.asp#1](http://www.voyage.gc.ca/faq/marriage-abroad_mariages-etranger-eng.asp#1)> (Accessed on: April 24, 2012)

<sup>23</sup> Idem

<sup>24</sup> The Star, "Forced to wed: they think they're doing what's best for the child", November 14, 2009, <<http://www.thestar.com/news/canada/article/725781--forced-to-wed-they-think-they-re-doing-what-s-best-for-the-child>> (Accessed on: May 2, 2012)

<sup>25</sup> Canadian Government, "Forced Marriage and 'Honour' Based Violence: Information for Police – DRAFT (Accessed on: June 5, 2012)



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A total of 663 forced marriage-based claims, where an actual or threatened forced marriage was part of the claim for protection, were referred to the Immigration and Refugee Board of Canada (IRB) between January 1, 2009, and December 31, 2011. The top three countries of origin were Namibia, Nigeria, and Afghanistan, respectively. The highest percentages of claims entered, based on forced marriage in relation to the total number of refugee claims by its citizens, were from Senegal (23.0%), Guinea (22.0%), and Djibouti (17.5%). For additional information refer to Appendix A. [PROTECTED A]

Since forced marriages are largely unknown and undocumented, it is difficult to propose indicators that take into account the particulars of Canada's situation. As a preliminary consideration, however, while acknowledging that more information is required, the following indicators which have been used in other countries could be found useful:

### POTENTIAL INDICATORS [PROTECTED A]

- ✓ Spouse, Parent or Family member seems aggressive/dominant, and person seems passive/afraid;
- ✓ Person is being brought overseas on the pretext of a sudden family holiday, the wedding of a relative, or the illness of a grandparent;
- ✓ Individual is of school age, but is not attending school;
- ✓ First time travelling overseas;
- ✓ Anxious, depressed or emotionally withdrawn;
- ✓ If female, may have cut or shaved hair (form of embarrassment for dishonour);
- ✓ May be under the influence of drugs or sedatives;
- ✓ Behaviour consistent with distress;
- ✓ Early pregnancy; and/or,
- ✓ May have signs of physical abuse

### CONCLUSION

The topic of forced marriage is one which Canada has not yet formally addressed. However, it is reasonable to assume that patterns and trends relating to forced marriage in Canada may be similar to other Western countries, specifically the UK, due to the similarities and close ties between the two countries. Furthermore, it is likely that cases that have been made public are representative of only a small portion of the problem. [UNCLASSIFIED]

The Canadian Government's Interdepartmental Working Group on Forced Marriage and HBV, co-chaired by Justice Canada and Status of Women Canada, provides a forum for information exchange and collaboration on honour-based forms of family violence. As a member of this group, the CBSA is following the developments taking place in the UK and working towards Canada's response to forced marriage and HBV. [UNCLASSIFIED]



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Where there are grounds to believe that a subject of interest may be involved or associated with forced marriage or HBV, and/or will be entering Canada to commit HBV, the Canada Border Services Agency Duty Officer should be contacted at **1.613.957.8397** so that the information can be referred to the appropriate area for further assessment and action where appropriate. [PROTECTED A]

Provincial social welfare authorities and local police should be contacted if an individual in Canada believes they are being forced to travel overseas to marry. Canadians already abroad should contact the nearest Canadian government office, or the DFAIT Emergency Operations Centre at **1.800.267.6788** (in North America). They may also call collect from anywhere else in the world at **1.613.996.8885**, or e-mail [sos@international.gc.ca](mailto:sos@international.gc.ca). Consular officials are able to provide lists of local lawyers and services that can provide assistance in returning to Canada.<sup>26</sup> [UNCLASSIFIED]

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<sup>26</sup> Department of Foreign Affairs and International Trade, February 2010, < [http://www.voyage.gc.ca/faq/marriage-abroad\\_mariages-etranger-eng.asp#1](http://www.voyage.gc.ca/faq/marriage-abroad_mariages-etranger-eng.asp#1) > (Accessed on: April 24, 2012)



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## APPENDIX A

## IMMIGRATION AND REFUGEE BOARD – FORCED MARRIAGE-BASED CLAIMS

The following table represents the top ten countries of origin from which forced marriage-claims (both male and female) were made and referred to the IRB (January 1, 2009, to December 31, 2011), and processed by IRB Triage Officers. The total refugee claims entered were also obtained by the IRB for the same period to ensure accuracy in determining overall percentage of forced marriage-based claims by country. [PROTECTED A]

Country of origin	2009	2010	2011	Total # of forced marriage based claims	Total refugee claims entered (2009-2011)	% of total claims
Namibia	0	39 female 2 male	111 female 6 male	158	990	16.0%
Nigeria	39 female	34 female	23 female 2 male	98	1577	6.2%
Afghanistan	15 female 5 male	17 female 4 male	7 female 2 male	50	547	9.1%
Cameroon	13 female	20 female	8 female	41	301	14.0%
Republic of Guinea	14 female	15 female	8 female	37	168	22.0%
Djibouti	6 female 1 male	10 female	5 female	22	126	17.5%
Senegal	11 female	4 female	2 female	17	75	23.0%
Democratic Republic of the Congo (Zaire)	2 female	10 female	5 female	17	565	3.0%
Botswana	11 female	2 female	2 female	15	178	8.4%
Kenya	4 female	3 female	4 female	11	143	7.7%

*The information contained in this Intelligence Alert belongs to the Canada Border Services Agency, is classified Protected A, and should not be reclassified or disseminated without prior consent of the originator. The information must be stored, transmitted and safeguarded in accordance with its classification level, as outlined in the Government Security Policy and the CBSA Security Policies. If access is requested under the Access to Information Act or the Privacy Act, no decision should be taken without prior consultation with the originator, as the information may be subject to exemptions. Requests for addition use should be forwarded to the Migration Intelligence Section. Email: [Migration Intel-Renseignement en Migration@cbsa-asfc.gc.ca](mailto:Migration Intel-Renseignement en Migration@cbsa-asfc.gc.ca)*

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